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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,280	04/01/2004	Jelena Milanovic	032498-024	8450
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EXAMINER				
OLSEN, KAJ K				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

### Office Action Summary

**Application No.**

10/814,280

**Applicant(s)**

MILANOVIĆ, JELENA

**Examiner**

KAJ K. OLSEN

**Art Unit**

1795

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 remains objected to because the figure should be designated by a legend such as --Prior Art--. Applicant alleges that a replacement drawing and an annotated sheet showing the changes was submitted. However, neither of those documents can be found in the applicant's response and the examiner asks the applicant again submit the replacement sheet and annotated sheet for appropriate consideration.

### ***Election/Restrictions***

2. Newly submitted claim 17 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: It is drawn to a method of manufacturing an insertion electrode that does not require the presence of the electrical couplings of the insertion electrode device as required for claims 1-16.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 17 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

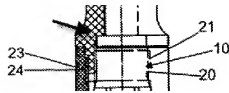
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 11-14 are rejected under 35 U.S.C. 102(a) or (b) as being anticipated by the applicant's admitted prior art.

5. With respect to claim 1, the admitted prior art teaches an insertion device for installing a sensor probe in a container comprising a probe housing configured for attachment to a container (via adapter 6), a probe protector tube 4 to receive, hold and guide a sensor probe 2, and a coupling 12 for electrical connection to the sensor probe. The admitted prior art further sets forth that the probe housing comprises a protective sleeve 5 configured for connection to the probe protector tube to protect the electrical coupling from mechanical stress and moisture. See fig. 1 and paragraphs 0005-0008. With respect to the safety adapter of the claims, a couple of different elements of the admitted prior art read on the broadly defined features of the safety adapter. First, the probe protector tube contains a ledge that rests up against an enlarged portion of the probe where the connection portion of the probe resides (see the pasted excerpt of fig. 1 below and note the added arrow). This ledge appears to prevent the probe 2 from sliding too far down the probe protective tube 4 in an axial direction and both engages a recess of the sensor and reached over a step of the sensor probe. Hence, it reads on the defined safety adapter giving the claim language its broadest reasonable interpretation.



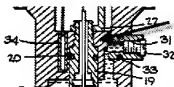
Second, the protector tube contains internal threading 21 that when engaged with the external threading 20 of the sensor probe. This threading would also secure against direct axial movement of the probe and this threading engages a recess of the sensor probe (i.e. the internal threading would reside within gaps of the external threading). Hence, this threading also would read on the defined safety adapter giving the claim language its broadest reasonable interpretation.

6. With respect to claim 2, this reads on both the first and second examples giving above. Namely the ledge prevents the sensor probe from being released out the top of the sensor while the second example would prevent release in either direction unless the probe and protector tube are screwed together or unscrewed apart.
7. With respect to claim 3, the ledge of the first example above bears against a step of the sensor probe.
8. With respect to claim 4, the probe header has external threads 20 that engage internal threads 21 of the probe protector tube.
9. With respect to claims 5 and 11, see paragraph 0007.
10. With respect to claims 6 and 12, see paragraph 0008.
11. With respect to claims 7 and 13, the ledge of the admitted prior art is ring shaped and would reasonable read on the defined collar of the claims.

12. With respect to claims 8 and 14, the ledge engages all around the step of the sensor probe and constitutes multiple projections.

13. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson, Jr. (USP 4,176,032).

14. With respect to claim 1, Stevenson discloses an insertion electrode device for installing a sensor probe comprising a probe housing configured for attachment to a container containing water (see fig. 1 and col. 3, ll. 47-57), a probe protector tube 14 to receive, hold, and guide the sensor probe 24, and a coupling 22 for electrical connections to the sensor probe, where the probe housing has a protective sleeve 17 configured for connection to the probe protector tube and would protect the electrical coupling from mechanical stress and moisture. See fig. 4 and col. 4, ll. 5-46. Stevenson further shows in fig. 4 that the probe 24 is connected to tube 14 via a constriction 15 of a threaded connection as well as a ledge that the sensor probe fastens into and abuts against. See fig. 4 except with added arrow below.



This portion of Stevenson is coupled to an end of the probe protector tube engages a recess of the sensor probe and reaches over a step of the sensor probe and would secure the sensor probe against axial movement. Hence it reads on the defined safety adapter of the claims. With respect to whether this is outside of the container or not, that entirely depends on how far this probe is lowered into a container containing fluid. How the device is utilized constitutes the intended use of the device.

15. With respect to claim 2, this ledge and threading would prevent the sensor probe from being released vertically.
16. With respect to claim 3, the sensor probe has a step that the safety adapter can bear against (see fig. 4 except above).
17. With respect to claim 4, see fig. 4 and col. 4, ll. 19-27.
18. With respect to claim 6, see col. 4, ll. 10-18.
19. With respect to claims 7 and 8, constriction 15 would read on "ring-shaped collar" giving the claim language its broadest reasonable interpretation and has at least two projections.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson in view of applicant's admitted prior art.
22. With respect to claims 5 and 11, Stevenson set forth all the limitations of the claims, but did not explicitly recite the presence of the set forth plug connection. However, the applicant's admitted prior art already established that such a plug connection was already old in the art. Because such an electrode connection was already well known for connecting sensor probes to external circuitry, it would have been obvious to one of ordinary skill in the art at the time the invention was being made to utilize the teaching from the admitted prior art for the electrical

connection for Stevenson to achieve the predictable result of having a suitable electrical connection to the outside.

23. With respect to claims 12-14, see the discussion of Stevenson and claims 6-8 above.

***Allowable Subject Matter***

24. Claims 9, 10, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

25. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 9 and 15, the prior art does not disclose nor render obvious all the cumulative limitations of claim 1 or claims 1, 3, 4, 11, and 12 and further comprising a safety adapter having at least two pin-shaped spring elements to reach over the step or reach into a recess of the sensor probe. With respect to claims 10 and 16, the prior art does not disclose nor render obvious all the cumulative limitations of claim 1 or claims 1, 3, 4, 11, and 12 and further comprising the safety adapter having a ring-shaped spring element to reach over the step or to reach into a recess of the sensor probe.

***Response to Arguments***

26. Applicant's arguments filed 2-21-2008 have been fully considered but they are not persuasive. With respect to the rejection relying on the admitted prior art, applicant urges that the ledge or shoulder alluded to by the examiner does not prevent axial movement in a direction away from the container for the measuring medium. The examiner would agree, but the claims



as presented do not require this. All claim 1 states is that the safety adapter broadly “secure the sensor probe against axial movement” and doesn’t specify any direction of axial movement to prevent against. The ledge that the examiner read on the safety adapter does this. Namely, the sensor probe of the prior art would not have been able to extend any more in the up direction because of this ledge on the insertion device.

27. With respect to the rejection relying on the threading of the admitted prior art, applicant urges that the examiner’s statements are merely conclusory and speculative and that the examiner has not provided any documentary evidence that threading can prevent axial movement. However, it defies credibility to suggest that the examiner must provide documentary evidence that threading prevents axial movement as that is one of the fundamental uses of threading. Take any bottle having a threaded cap and screw on the cap. Now try to remove the cap without rotating either the cap or the bottle. The threading will prevent any axial movement of the cap from the bottle because the protrusions on one side of the threading engage in the corresponding recesses of the other threading. This is simply common sense to anyone possessing routine skill in the art and would not require any documentary evidence.

28. With respect to the rejection over Stevenson, applicant urges that Stevenson makes no mention of a recess in the sensor probe or a step over which the sensor probe reaches and secures the sensor probe against axial movement. The examiner is confused by this statement as the figure excerpted in the previous rejection (also included again above) clearly shows the features in question, giving the claim language its broadest reasonable interpretation. In fact, the structure of Stevenson is largely analogous to the structure of the admitted prior art of fig. 1

where both the threading and the ledge read on the broadly defined safety device that reaches over a recess and/or step of the sensor probe and prevents axial movement of the sensor probe.

29. Applicant's arguments concerning the rejections of claims 5 and 11-14 appear to rely on the applicant's perception of the failing of the earlier rejections of claim 1. Because the earlier arguments were not persuasive, these dependent arguments for claims 5 and 11-14 are also not persuasive.

### *Conclusion*

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAJ K. OLSEN whose telephone number is (571)272-1344. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaj K Olsen/  
Primary Examiner, Art Unit 1795  
May 17, 2008